

IN THE SUPREME COURT OF THE STATE OF DELAWARE

IN RE THE PETITION OF §
MICHAEL T. HYSON FOR A § No. 531, 2005
WRIT OF CERTIORARI §
§

Submitted: November 29, 2005

Decided: January 26, 2006

Before **STEELE**, Chief Justice, **BERGER** and **RIDGELY**, Justices

ORDER

This 26th day of January 2006, it appears to the Court that:

(1) Petitioner Michael T. Hyson is an inmate in the custody of the Delaware Department of Correction. In January 1992, Hyson pleaded guilty to Unlawful Sexual Intercourse in the First Degree. He was sentenced to 20 years of Level V incarceration, to be suspended after 15 years for 5 years of probation. Hyson was released from custody in May 2004, but was returned to prison in December 2004 following his arrest for violating the terms of his conditional release.

(2) Hyson seeks to invoke the original jurisdiction of this Court by requesting the issuance of a writ of certiorari.¹ In his petition, Hyson appears to claim that the Board of Parole did not have authority to revoke his

¹ Supr. Ct. R. 43.

conditional release.² His petition consists of a list of fourteen questions regarding the power of the Board of Parole. A subsequent document filed by Hyson entitled “Clarification of Certiorari” characterizes his petition for a writ of certiorari as a “fact finding effort.” The State of Delaware, as the real party in interest, has filed a response to Hyson’s petition requesting that the petition be dismissed.

(3) A writ of certiorari is an extraordinary remedy used to correct irregularities in the proceedings of a trial court.³ Certiorari is available to challenge a final order of a trial court only where the right of appeal is denied, a grave question of public policy and interest is involved, and no other basis for review is available.⁴ Unless these threshold requirements are met, this Court has no jurisdiction to hear the claims.⁵

(4) Hyson has failed to demonstrate that he is challenging a final order of a trial court where the right of appeal was denied and no other basis for review is available. Moreover, he has failed to demonstrate that his petition raises a grave question of public policy and interest. Because Hyson has not met the threshold requirements for the issuance of a writ of

² Hyson also, in an attached letter, complains that a previous sentence imposed by the Superior Court was illegal.

³ *Shoemaker v. State*, 375 A.2d 431, 437 (Del. 1977).

⁴ *Id.*

⁵ *In re Butler*, 609 A.2d 1080, 1081 (Del. 1992).

certiorari, this Court has no jurisdiction to hear his claims. Accordingly, Hyson's petition must be dismissed.

NOW, THEREFORE, IT IS ORDERED that the State's motion to dismiss is GRANTED. The petition for a writ of certiorari is DISMISSED.

BY THE COURT:

/s/ Myron T. Steele
Chief Justice